



**RECEIVED**

JUN 30 2004

**OFFICE OF PETITIONS**

PATENT  
3009080

#9  
DRC  
A

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant(s):	Francis X. Smith	)	
		)	
Serial No.:	09/706,318	)	Examiner:
		)	ZA Fay
Filed:	November 4, 2000	)	
		)	Group:
For:	IMPROVED OPHTHALMIC AND	)	1614
	CONTACT LENS SOLUTIONS	)	
	CONTAINING IMIDAZOLE	)	
		)	

**Mail Stop: PETITION**  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR 1.137(b)**

Dear Sir:

Responsive to the Office Decision mailed April 26, 2004, Applicants submit the enclosed Amendment. Applicants contend that the enclosed amendment *prima facie* places the application in condition for allowance and is therefore a proper reply. Cancellation of the rejected claims is to allow the other claims to issue as letters patent, but in no way an admission of unpatentability of the cancelled claims. Further, Applicants note that the Petitions Examiner has acknowledged receipt of the petition fee as set forth in 37 CFR 1.17(m) and the statement that the entire delay in filing the required reply was unintentional. Thus, Applicants respectfully request that the present renewed petition be granted and that a notice of allowance be issued in the application.

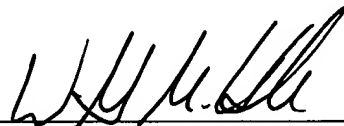
App. No. 09/706,318  
Petition Dated June 24, 2004  
Reply to Decision of April 26, 2004

In the event that Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefore and authorize that any changes be made to Deposit Account No.: 50-3010.

Should you have any questions regarding the enclosed, please do not hesitate to contact me.

Respectfully submitted,

Dated: 6-24-2004

  
\_\_\_\_\_  
William M. Hall  
Reg. No.: 52,985

Hiscock & Barclay, LLP  
2000 HSBC Plaza  
Rochester, New York 14604-2404  
Tel: (585) 325-7570  
Fax: (585) 325-5458



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/706,318	<b>RECEIVED</b>
	Filing Date	November 4, 2000	
	First Named Inventor	Francis X. Smith	<b>JUN 30 2004</b>
	Art Unit	1614	
	Examiner Name	Fay, Zohreh A	<b>OFFICE OF PETITIONS</b>
Attorney Docket Number	3009080		
Total Number of Pages in This Submission	12		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b> The Petition is a reconsideration request entitled Renewed Petition Under 37 CFR 1.137(b).	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William M. Hall Hiscock & Barclay, LLP
Signature	
Date	6-24-2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	William M. Hall
Signature	
Date	6-24-2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

<b>CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)</b>			Docket No. <b>3009080</b>
Applicant(s): <b>Francis X Smith</b>			

Serial No. <b>09/706,318</b>	Filing Date <b>November 4, 2000</b>	Examiner <b>ZA Fay</b>	Group Art Unit <b>1614</b>
---------------------------------	--	---------------------------	-------------------------------

Invention:

**IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS CONTAINING IMIDAZOLE**



**RECEIVED**

**JUN 30 2004**

**OFFICE OF PETITIONS**

I hereby certify that this **Renewed Petition Under 37 CFR 1.137(b) (2 pgs)**

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**6-24-2004**

(Date)

**William M. Hall**

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

**Note: Each paper must have its own certificate of mailing.**

<b>CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)</b>			Docket No. <b>3009080</b>
Applicant(s): <b>Francis X Smith</b>			
Serial No. <b>09/706,318</b>	Filing Date <b>November 4, 2000</b>	Examiner <b>ZA Fay</b>	Group Art Unit <b>1614</b>

Invention:

**IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS CONTAINING MOLE**



**RECEIVED**  
**JUN 30 2004**

**OFFICE OF PETITIONS**

I hereby certify that this **Amendment (5 pgs)**  
is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**6-24-2004**

(Date)

**William M. Hall**

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

**Note: Each paper must have its own certificate of mailing.**